

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 17, 2011
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, October 17, 2011 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman
Bill Keough
Robert Heinsohn
Richard Killian

Staff: Mark Kunkle, Township Manger
Diane Conrad, Chief of Police
Trisha Lang, Director of Planning & Zoning

Others in attendance included: Maggie Nicholson, Recording Secretary; Sue Mascolo, Centre Region Parks and Recreation; John Spsychalski, Centre Area Transportation Authority; John Dietz, University Area Joint Authority; Doug Erickson, Patton Township; Barbara Maddox; Bryan Horton; Brian Black; Rick Brezina; Pat Lytle; Rebecca Ackerman; Lee Brotzmin; Dan Willis; Joyce Harvey; Richard Harvey; Cindy LaBarca; Robert LaBarca; Kevin Marara and Thomas Brown.

II. CALL TO ORDER

Mr. Pytel, Chairman, called the October 17, 2011 regular Meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

Barbara Maddox, 2420 Park Centre Boulevard, said a problem tree on township property is cracking the sidewalk and driveway at her house. She has called repeatedly and has not received any response since a person from the township came out to look at it a month ago. Mr. Kunkle said they are aware of the situation and are working on it. Mr. Pytel said she would get an answer.

IV. ABC REPORTS

Sue Mascolo, Centre Regional Parks and Recreation

CRPR has now had over 40 years of cooperation between the municipalities and townships. Most of the programs cost is covered by user fees and the remainder by funding from the municipalities. The new John Hess Softball fields are being widely used. CRPR maintains 830 acres at 52 sites across the region which keeps them very busy working on upkeep. The two new pools have made a lot of money already and proven their value.

John Spsychalski, Centre Area Transportation Authority

Mr. Spsychalski said some good news is that the General Manager of CATA recently received news that CATA received a Federal Grant under the Good Repair Program enabling them to replace all 16 of the original CNG powered buses purchased in 1996. This is a good start on replacing older buses in the fleet.

Service planning regarding the K route extension to Old Gatesburg Road affects Ferguson Township in that buses will be rerouted in spring 2012 to service the new Gatesburg Road

extension. The CATA maintenance facility has awarded a contract to Camp Dresser and McGee Engineering firm to proceed with initial architectural design for the building. The funding is in place to do the planning for the facility, but no funding yet to build it.

CATA ridership overall was up from 899,413 to 913,001 this year, a 1.5% increase on both Campus and community. Most of that increase was in the community service routes.

Mr. Heinsohn asked if CATA could share a maintenance facility building with CRPR since they both need more space. Mr. Spychalski said their facility would be specific to repairing transit buses, which use a special vehicle lift and other fixtures that may be unique to the bus repair. Mr. Spychalski will take that idea back to CATA to discuss the possibilities.

John Dietz, University Area Joint Authority

Mr. Dietz said the UAJA is the wastewater treatment facility and collection system for all of the Centre Region. A treatment facility is located on Spring Creek which discharges from the collection systems and beneficial water reuse is taken care of here.

Despite recent heavy rains the wastewater treatment facility operated well and no treatment spills occurred. Running rainwater infiltration through efficiently allows UAJA to stay within their allowable guidelines and permit future growth.

Effluent limits from runoff on the facility may be exceeded due to the heavy rain. The authority will have to purchase nitrogen credits, but will have phosphorus limit credits to exchange and those credits are managed by a private company named Mercuria. The Big Hollow Interceptor is being upgraded. Beneficial water use program is generating .3 million gallons daily and this offsets the allowable total flow. The UAJA has processed 220 million gallons of water for reuse in industrial and land irrigation since inception of the program.

Mercuria, the company purchasing the reusable water, asked if they could market the UAJA reuse water as bottled water. The board decided not to allow this as it could become a safety and legal issue in the future. Mr. Keough asked if the UAJA has control over what the type of reuse of the water. Mr. Dietz said yes, the contract with Mercuria allows the UAJA to have control over the re-use of the water.

Mr. Pytel said the Pine Grove Mills area was assessed an extra \$20 monthly fee when they joined the sewer service over 10 years ago and asked when UAJA expect that debt to be paid off so that the extra payment could be ended for those users. Mr. Dietz said he doesn't know, but will look into it.

V. PUBLIC HEARINGS

1. A PUBLIC HEARING ON THE PROPOSED HOMESTEAD FARMS NEIGHBORHOOD IMPROVEMENT DISTRICT, REVIEW OF PRELIMINARY PLAN DOCUMENTS

Mr. Kunkle said the Homestead Farms Corporation Board of Directors has worked with the Patton Township Manager and Engineer to develop a process wherein Patton Township would accept ownership of roadways and the required improvements to private streets in the Homestead Farms subdivision, which are needed to bring the streets up to public road

standards, and would be funded by the property owners of the neighborhood. A Preliminary Plan document has been prepared to detail the specifics of establishing the Neighborhood Improvement District (NID), the special assessment fees to be levied, and the improvements to be undertaken.

The Preliminary Plan document was mailed, via Priority Mail, on September 9, 2011 to all property owners and non-owner residents of the Districts.

Summary of the NID Plan

Of the 48 properties in the neighborhood, 43 are in Patton Township and five are in Ferguson Township. The Township Engineer has identified improvements that are needed to bring the streets up to Patton Township's public roadway standards. These improvements, along with costs to establish the districts, are estimated to cost \$212,245. The improvements would be completed over a ten year period as detailed in the Plan.

To fund the identified improvements, both Township's would enact the NID and levy special assessment fees of \$4,421.77 per property. The NID provides that the annual special assessment fee is payable in installments with an initial \$625.00 due in January 2012, and the remainder due in twelve annual installments of \$316.40 due on March 1st of each year commencing in 2012 and ending in 2023. The initial \$625.00 will be paid by the Homestead Farms Corporation on behalf of the property owners. Patton and Ferguson Township will enter into an agreement that will require transfer of the assessments paid by Ferguson Township property owners to Patton Township.

Procedure for Establishing the NID

This Public Hearing is being convened in accordance with the NID Act "for the purpose of receiving public comments from the affected property owners within the NID..."

Brian Black, resident of Ferguson Township and resident in the Homestead Farms Neighborhood said he supports the plan as do 4 out of 5 of the Ferguson Township residents and the one other resident had not responded.

Doug Erickson, Patton Township Manager said we need 80% agreement to move forward which we have. Mr. Keough asked if the homeowner can prepay the entire fee or pay off at any time if they desire to do so. Mr. Erickson said yes that can happen and there is no interest being charged. Mr. Kunkle asked if the assessment will need to be paid off if the property is sold or can the payments go along with the sale. Mr. Erickson said they will allow the assessment to be carried forward with the new owner.

Mr. Keough asked how the process is going on the Patton Township side. Mr. Erickson said they already had their public hearing without negative comments and are in the 45 day review period. It is going forward smoothly.

Mr. Heinsohn made a motion to close the Public Hearing .Mr. Killian seconded the motion. The motion passed unanimously.

Mr. Kunkle said the public hearing is now closed and the 45 day review period begins.

VI. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION #2010-32 BY ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP.

Annually, the Board of Supervisors adopts a sidewalk snow removal policy map. This map designates the properties that have sidewalks and are part of the sidewalk system that provides logical connections throughout the Township. Typically the map does not designate short sections of sidewalks that do not lead to logical connections or are useable for pedestrian purposes. The map is updated annually by the Planning and Zoning Department.

Mr. Killian made a motion to adopt the revised Sidewalk Snow Removal map for 2011-12. Mr. Heinsohn seconded the motion. Resolution 2011-19 was passed by Roll Call Vote: Mr. Heinsohn-YES; Mr. Keough-YES; Mr. Killian-YES; Mr. Pytel-YES.

2. A PUBLIC HEARING ON A RESOLUTION APPROVING A SEWAGE FACILITIES PLANNING MODULE FOR THE PINE HALL TRADITIONAL TOWN DEVELOPMENT

The Sewage Planning Module for the Pine Hall Traditional Town Development sanitary sewer service to this development of 477 lots is projected to generate an average of 165,000 gallons per day of flow to the University Area Joint Authority. The UAJA and the township's Planning Commission have reviewed the planning module and have recommended approval by the Board of Supervisors.

Mr. Keough made a motion to adopt the sewage facilities planning module for the Pine Hall TTD Development. Mr. Heinsohn seconded the motion. Resolution 2011-20 was passed by Roll Call Vote: Mr. Heinsohn-YES; Mr. Keough-YES; Mr. Killian-YES; Mr. Pytel-YES.

VII. COMMUNICATIONS TO THE BOARD

Mr. Heinsohn said he received a call from a home owner who had a sinkhole on his property and asked if the Township help with the repair. Mr. Kunkle said since it is on private property it is the home owners' responsibility to repair and may be covered under his home owners' insurance policy.

Mr. Pytel said he received calls of complaint about how much money we are giving to the Library. Another two residents said they don't appreciate the Library planning to charge for parking in the future. A Library Board member called and asked why the Library is following the COG's 2% increase for a raise when the University is giving no raises.

VIII. ACTION ITEMS

1. HAWK VALLEY HOMEOWNER'S ASSOCIATION STREET ACCEPTANCE REQUEST

On March 31, 2011, representatives of the Hawk Valley Homeowner's Association met with the Public Works Director and the Township Engineer to discuss the improvements needed to their private streets in order for them to be accepted as public streets by the Township. The recent publicity surrounding the Homestead Farms Homeowner's Association establishment of a Neighborhood Improvement District has increased the interest of the Hawk Valley property owners in exploring a process to upgrade their private streets to public streets. Chapter 21, Appendix A, establishes the Township's road construction standards; in order to comply with these standards, significant tree removal and pavement width would need to be completed. The Public Works Director and Township Engineer have suggested an alternative improvement scenario that should be investigated. This alternative improvement scenario would be to complete the improvements based on the AASHTO standards for existing low volume local roads.

Residents of Hawk Valley were in attendance to discuss the policy decision of the Board of Supervisors to consider the AASHTO low volume local road standard.

Ms. Cindy LaBarca, treasurer for the Hawk Valley Homeowners Association, discussed the standards of the streets in their development and how they could become part of the Ferguson Township public streets. There are only 15 homes in their neighborhood and the Homeowners Association is investigating this option but has not made any final decision yet. The Homeowners Association meets and assesses fees annually and they are prepared to do an engineering study to further consider this option.

Mr. Heinsohn asked if we were to accept the roads under the ASSHTO standards would we do the snow plowing. Mr. Pytel said yes. Mr. Heinsohn said this will open the Township to all kinds of problems and may be difficult to plow based on equipment challenges.

Ron Seybert, Ferguson Township Engineer, prepared some comparison information about road standards. Mr. Seybert said the Hawk Valley Streets meet the AASHTO guidelines, but do not meet much of the Ferguson ordinances.

Mr. Pytel asked about the safety of the streets in the past. Ms. LaBarca said there is one spot on a hill where a homeowner crashed into a tree, but the homeowners are aware of slippery areas and curves thus drive carefully.

Mr. Keough asked if both the Patton and Ferguson homeowners are interested in having this road made public. Ms. LaBarca said yes, they are interested, they have already decided to do an engineering study. Mr. Keough said the homeowners should work with Ferguson Township staff when preparing the engineering study. Mr. Heinsohn said he is against the township having an obligation for roads that are not standard as these would be. Mr. Keough said there are other private streets in the Township and they should be mapped and considered for improvement. Mr. Pytel said each private street has to come forward and be considered on its own merits.

Mr. Kunkle said for tonight the Board just wants to let the Hawk Valley Homeowner's Association know if the Ferguson Township Board of Supervisors will consider the possibility of the different road standard based on the results of the engineering study that will be done. Ms. LaBarca said that is acceptable to them.

2. AUTHORIZATION FOR REFUND OF REAL ESTATE TAXES PAID

Mr. Kunkle said he received a letter and court order for a refund of 2010 and 2011 real estate taxes based on a revised assessed value established by the court. Total refund for tax parcel 24-010-016 is \$1,126.02.

Mr. Killian made a motion to authorize the refund for tax parcel 24-010-016. Mr. Heinsohn seconded the motion. The motion passed unanimously.

3. SEPTEMBER 2011 VOUCHER REPORT

Mr. Killian made a motion to approve the September 2011 Voucher Report. Mr. Heinsohn seconded the motion. The motion passed unanimously.

4. CONSENT AGENDA

Mr. Killian made a motion to approve the Consent Agenda. Mr. Heinsohn seconded the motion. The motion passed unanimously.

VII. REPORTS

Manager –Mark Kunkle

The 2012 Budget will be ready for distribution Friday November 4th and the Board should establish two work sessions prior to the Budget Hearing scheduled for December 5th.

Mr. Kunkle provided an update of the 2012 ABC appointments that the Board will be asked to consider at the Organizational Meeting on January 2, 2012.

The Old Gatesburg Road extension will be completed by Friday November 11. Discussed having an opening ceremony. Mr. Kunkle and staff will organize the ceremony and send out the invitations. Date will be Friday, November 11th at 11:00a.m.

Planning & Zoning Director-Trisha Lang

Planning Commission did not meet on September 26 due to lack of members availability. At the October 4th meeting a review of Turnberry TTD was done. The design is still being refined and will be addressed at the Zoning hearing meeting and then come back to the Planning Commission for further review.

Chief of Police-Diane Conrad

Ms. Conrad reported that for September part 1 crimes were higher, part 2 were lower and overall crime is down.

An arrest was made for the copper thefts in the area and that is working its way through the court system. The police are busy with drunk and drug driving enforcement in conjunction with the Centre County Drug Task Force.

IX. MINUTES

1. October 3, 2011 BOS Regular Meeting Minutes

Mr. Killian made a motion to approve the October 3, 2011 BOS Regular Meeting Minutes. Mr. Heinsohn seconded the motion. The motion passed unanimously.

X. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the October 17, 2011 Regular Meeting at 9:05 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 11/07/2011